

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JARED ANTHONY WINTERER,

Plaintiff,

v.

ROBIN SMITH, L. GILLIVER and RACHEL
SYMON,

Defendants.

Case No. 2:21-cv-734 JLR-TLF

REPORT AND
RECOMMENDATION

Noted for October 22, 2021

This case has been referred to Magistrate Judge Theresa L. Fricke pursuant to 28 U.S.C. § 636(b)(1) and Local Rule MJR 3 and 4. This matter comes before the Court on plaintiff's failure to correct defects in his complaint by either paying the \$402.00 filing fee or submitting an Application for In Forma Pauperis ("IFP"). Dkt 1.

On June 2, 2021, plaintiff submitted a *pro se* civil rights complaint. Dkt. 1. By letter dated, June 4, 2021, the Clerk informed plaintiff he must either pay the filing fee or submit an IFP application, and that the failure to do so by July 6, 2021 may result in dismissal of the case. Dkt. 2.

Plaintiff has not responded to the Clerk's letter to cure the deficiencies in his complaint. The Court therefore recommends this case be **DISMISSED without prejudice and with leave to re-file** due to plaintiff's failure to comply with a directive of the Court.

1 The parties have **fourteen (14) days** from service of this Report and
2 Recommendation to file written objections thereto. 28 U.S.C. § 636(b)(1); Fed. R. Civ.
3 P. 72(b); *see also* Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of
4 those objections for purposes of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985).
5 Accommodating the time limit imposed by Fed. R. Civ. P. 72(b), the Clerk is directed to
6 set this matter for consideration on **October 22, 2021**, as noted in the caption.

7 Dated this 5th day of October, 2021.

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Theresa L. Fricke
11 United States Magistrate Judge
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